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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,415	02/06/2004	Oren Lamm	118097-00102	2080

27557 7590 07/11/2006

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WASHINGTON, DC 20037

EXAMINER
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ROY, ANURADHA

ART UNIT	PAPER NUMBER
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3736

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/772,415

**Applicant(s)**

LAMM, OREN

**Examiner**

Anuradha Roy

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 22-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 8-21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/4/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### Restrictions

Claims 22-30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 12, 2006.

### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kullok et al. (US Publication No. 2004/0049124) in view of Ross et al. (US Patent No. 4,162,493).

Regarding claim 1, Kullok et al. discloses a method for detection and improving of visual attention in a patient, said method comprising:

- a) generating of at least one group of visually recognizable stimuli [0010], said stimuli being in a running mode defined by a time gap between consecutive stimuli (Figure 21, [0036], [0142], & [0289])

- b) exposing the patient to the stimuli [0010]
- c) determining the ability of the patient to recognize the stimuli [0132]
- d) varying the time gap between the stimuli in accordance with the patient's ability to recognize the stimuli [0036], [0142], & [0289].

However, Kullok et al. does not directly disclose that the recognizable stimuli are alphanumeric signs. However, Ross et al. does disclose a system with alphanumeric stimuli (Column 13, lines 18-26). It would have been obvious to one having ordinary skill in the art at the time the invention in view of Ross et al. to generate alphanumeric stimuli with Kullok et al. in order for the stimuli to be familiar to the patient.

Regarding claim 2, Kullock et al. in view of Ross et al discloses a method, wherein alphanumeric signs are emulated by virtue of lights of an array, in which said lights are arranged as a dot matrix (Ross et al., Abstract).

In regards to claim 3, Kullock et al. in view of Ross et al. discloses a method, in which said lights are illuminated within the array to present a consequence of columns, said columns being fragments of stimuli, and said columns creating illusion of moving stimuli (Ross et al., Abstract).

Regarding claim 4, Kullock et al. in view of Ross et al. discloses a method, in which said time gap is kept between 58 and 464 milliseconds (Ross et al., Column 4, lines 29-31).

With regard to claim 5, Kullock et al. in view of Ross et al. discloses a method, in which said alphanumeric signs are selected from the group consisting of letters and numbers (Column 13, lines 18-26).

Regarding claim 6, Kullock et al. in view of Ross et al. discloses a method, in which said stimuli are selected from the group consisting of letters, words, numbers and pictures (Column 13, lines 18-26).

Regarding claim 7, Kullock et al. in view of Ross et al. discloses a method, in which said patient is inherently selected from the group consisting of children and adults. The method as defined in claim 1, said method comprising

- a) a preliminary training step (Kullock et al., [0275]-[0276], [0289]), in which the patient is exposed to the stimuli displayed at a time gap, which is set to match the within visual persistence frequency range limit of the human visual system of a normal person, who does not suffer from visual attention deficit
- b) a diagnostic step (Kullock et al., [0277]-[0282], [0289]), in which the patient is exposed to consecutive groups of stimuli, which are capable of being displayed at least at a first and at a second time gap, said second time gap capable of being larger than the first time gap and said diagnostic step results in establishing whether the patient suffers from visual attention deficit (Kullock et al., [0036] & [0142])

- c) a treatment step (Kullock et al., [0283]-[0289]), in which the patient suffering from visual attention deficit is exposed to those groups of stimuli, which were displayed at the diagnostic step, but the patient recognized only part of the stimuli within a group, wherein the patient is exposed to a group containing unrecognized stimuli, which is displayed at an intermediate time gap, said intermediate time gap lies between the first time gap and the second time gap.

### **Allowable Subject Matter**

Claims 8-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anuradha Roy whose telephone number is (571) 272-6169 and whose email address is anuradha.roy@uspto.gov. The examiner can normally be reached between 8:00am and 4:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

~AR~



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